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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 5596

Tadamasa TOMA et al. : Attorney Docket No. 2005\_0750A

Serial No. 10/534,546 : Group Art Unit 2161

Filed May 11, 2005 :

DATA TRANSMISSION APPARATUS

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**SUBMISSION OF ENGLISH VERSIONS OF INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY AND WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for consideration by the Examiner are:

- 1) An English version of the International Preliminary Report on Patentability; and
- 2) An English version of the Written Opinion of the International Searching

Authority.

Respectfully submitted,

Tadamasa TOMA et al.

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April 3, 2006

## PATENT COOPERATION TREATY

PCT/JP2004/004018

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II)  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

Date of mailing (day/month/year)  
02 March 2006 (02.03.2006)

To:

NII, Hiromori  
c/o NII Patent Firm, 3rd Floor, Shin-Osaka Suehiro Center Bldg.,  
11-26, Nishinakajima 3-chome, Yodogawa-ku, Osaka-shi, Osaka  
5320011  
JAPON



Applicant's or agent's file reference  
P33620-P0

**IMPORTANT NOTIFICATION**

International application No.  
PCT/JP2004/004018

International filing date (day/month/year)  
24 March 2004 (24.03.2004)

Applicant

MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD. et al

**1. Transmittal of the translation to the applicant.**

- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No.+41 22 740 14 35

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|  |   |   |                  |
|--|---|---|------------------|
| Applicant's or agent's file reference<br>P33620-PO   | FOR FURTHER ACTION  |   | See item 4 below |
| International application No.<br>PCT/JP2004/004018   | International filing date ( <i>day/month/year</i> )<br>24 March 2004 (24.03.2004) | Priority date ( <i>day/month/year</i> )<br>25 March 2003 (25.03.2003) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |   |   |                  |
| Applicant<br>MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.   |   |   |                  |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

|   |  |  |
|---|--|--|
|   |  | Date of issuance of this report<br>22 February 2006 (22.02.2006)                 |
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No. +41 22 740 14 35 |  | Authorized officer<br><br>Yoshiko Kuwahara<br><br>Telephone No. +41 22 338 90 90 |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

|   |   |   |
|---|---|---|
|   |   | Date of mailing<br>(day/month/year)                 |
| Applicant's or agent's file reference<br><b>P33620-P0</b>                         |   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below  |
| International application No.<br><b>PCT/JP2004/004018</b>                         | International filing date (day/month/year)<br><b>24.03.2004</b> | Priority date (day/month/year)<br><b>25.03.2003</b> |
| International Patent Classification (IPC) or both national classification and IPC |   |   |
| Applicant<br><b>MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.</b>                       |   |   |

1. This opinion contains indications relating to the following items:
  - Box No. I Basis of the opinion
  - Box No. II Priority
  - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - Box No. IV Lack of unity of invention
  - Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - Box No. VI Certain documents cited
  - Box No. VII Certain defects in the international application
  - Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|  |                    |
|--|--------------------|
| Name and mailing address of the ISA/JP | Authorized officer |
| Facsimile No.                          | Telephone No.      |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/004018

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/JP2004/004018**

|                  |   |
|------------------|---|
| <b>Box No. V</b> | <b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b> |
|------------------|---|

**1. Statement**

|                               |  |     |
|-------------------------------|--|-----|
| Novelty (N)                   | Claims <u>1-19</u>                     | YES |
|                               | Claims _____                           | NO  |
| Inventive step (IS)           | Claims <u>7, 8, 10, 14</u>             | YES |
|                               | Claims <u>1-6, 9, 11-13, 15, 16-19</u> | NO  |
| Industrial applicability (IA) | Claims <u>1-19</u>                     | YES |
|                               | Claims _____                           | NO  |

**2. Citations and explanations:**

Document 1: JP, 2003-87786, A (Matsushita Electric Industrial Co., Ltd.), 20 March, 2003, Full text; all drawings & EP, 1274248, A1 & US, 2003/4992, A1

Document 2: JP, 2001-197120, A (Apple Computer, Inc.), 19 July, Full text; all drawings & US, 6134243, A

Claims 1-6, 9, 11-13, 15, and 16-19

Document 1 describes, when receiving and reproducing a MP4 file, calculating a pre-buffer time and decoding start time from data size if receiving data units (Pav 1 for example) that are AV data that is included in the file, and based on this, performing reproduction processing. Document 1 also suggests that the information relating to this data size is essentially the “reproduction control information” and “reproduction control unit information” of the claims, and given the technical matter related to hint data of the prerequisite MP4 file described in document 2, none of the claims appears to involve an inventive step.

Claims 7-8, 10, and 14

Documents 1 and 2 do not describe converting reproduction control unit information according to content transmission status; that reproduction control information includes reproduction control unit information in each encrypted screen on a screen; and that reproduction control information shows the cycle for possible multiple image random access for playback control information. Based on documents 1 and 2, the inventions do not appear to possess an inventive step.